IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 22082 of 2007(D)

AGAINST THE ORDER DATED / / IN IA 1194/2007 IN
DRC.167/1998 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

N.R.PRASAD, REPRESENTED THROUGH POWER
OF ATTONEY HOLDER, PRASAD P.V.,
S/O V.PURUSHOTHAMAN, VIOLIN HOUSE,
NEW KALPATHY, PALAKKAD.

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS:

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1. RECOVERY OFFICER,
DEBT RECOVERY TRIBUNAL,
ERNAKULAM.

2. INDIAN BANK,
THORAPALAYAM BRANCH, PALAKKAD,
REPRESENTED BY ITS BRANCH MANAGER.

3. M/S CONSTRUCTION & SUPPLIES AGENCIES,
465, OPPANAKKARA STREET, COIMBATORE.

R1 BY G.P. SRI. P.N. SANTHOSH
R2 BY ADV. SRI.T.K.AJITH KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF RECEIPT SHOWING THE PAYMENT OF 25% OF THE BID AMOUNT ALONG WITH POUNDAGE FEE ISSUED TO THE PETITIONER.

EXT.P2 TRUE COPY OF PETITION NO. 1194/07 IN DRC 167 OF 1998 DATED 6.7.2007 FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 22082 OF 2007

Dated this the 13th day of September, 2007

JUDGMENT

The prayer in the W.P. is only for direction to the first respondent to grant some time to the petitioner to pay the balance sale consideration for the property purchased by the petitioner in auction conducted by the first respondent. Counsel for the second respsondent submitted that purchase price offered by the petitioner is sufficient to take care of the award amount and therefore Bank has no objection in extending time. Time for payment can be extended only on condition of payment of interest. In any case, since third respondent will be the aggrieved person, there will be direction to the first respondent to consider petitioner's request for extension of time after issuing notice to the third respondent and after giving him an opportunity of filing objections and hearing.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge